

MICHAEL JAY BERGER (State Bar # 100291)  
LAW OFFICES OF MICHAEL JAY BERGER  
9454 Wilshire Boulevard, 6th Floor  
Beverly Hills, California 90212  
T: 1.310.271.6223 | F: 1.310.271.9805  
E: michael.berger@bankruptcypower.com

*Proposed* Counsel for Debtor  
Leslie Klein

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

**In re**

**LESLIE KLEIN,**

**Debtor.**

Case No.: 2:23-bk-10990-SK

Chapter 11

**DEBTOR'S STATUS CONFERENCE  
REPORT NO.: 2; DECLARATION OF  
MICHAEL JAY BERGER IN  
SUPPORT THEREOF**

Date: May 17, 2023  
Time: 9:00 A.M.  
Courtroom: 1575  
255 East Temple Street,  
Los Angeles, CA 90012

(Hearing to be held remotely via  
ZoomGov).

**TO THE HONORABLE SANDRA R. KLEIN, JUDGE OF THE UNITED  
STATES BANKRUPTCY COURT, TO THE UNITED STATES TRUSTEE AND  
TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

On behalf of Leslie Klein ("Debtor"), debtor and debtor-in-possession herein, the  
Law Offices of Michael Jay Berger ("Debtors' Counsel") hereby submits the following  
Status Conference Report No. 2 ("Status Report"), as follows:

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2 **UPDATE SINCE THE APRIL 12, 2023 STATUS CONFERENCE HEARING:**

3 On April 5, 2023, Creditor Frankin Menlo filed a Motion for Relief from Stay –  
4 Non-Bankruptcy Forum [docket no.: 65]. On April 19, 2023, Debtor filed his Opposition  
5 to Menlo’s Motion for Relief from Stay [docket no.: 76]. On April 25, 2023, Franklin  
6 Menlo filed a Voluntary Dismissal of Motion for Relief from Stay – Non-Bankruptcy  
7 Forum [docket no.: 83].

8 On April 5, 2023, Debtor filed a Supplemental Declarations of Michael Jay Berger  
9 and Leslie Klein in Support of Debtor's Application to Employ Michael Jay Berger as  
10 General Bankruptcy Counsel [docket no.: 66, relating to Debtor's Application to Employ  
11 Michael Jay Berger as General Bankruptcy Counsel docket no.: 24].

12 On April 11, 2023, Creditors Joseph and Erica Vago filed their Notice of Motion  
13 and Motion to Disallow Debtor's Claim of Homestead Exemption Pursuant to 11 U.S.C.  
14 § 522(q); Declaration of Erica Vago and Request for Judicial Notice in Support of Same  
15 [docket no.: 71] (“Motion to Disallow Homestead”). On May 3, 2023, Debtor filed his  
16 Opposition to the Motion to Disallow Homestead, concurrently with this Status Report.  
17 The hearing on the Motion to Disallow Homestead is scheduled for May 17, 2023 at 9:00  
18 a.m., to be heard concurrently with this Status Conference.

19 On April 18, 2023, Debtor filed his Notice of Continued Status Conference and  
20 Continued Hearing on Debtors Application to Employ General Bankruptcy Counsel  
21 [docket no.: 75].

22 On April 24, 2023, Creditors Joseph and Erica Vago filed their Notice of Motion  
23 and Motion for Order Dismissing Debtor's Chapter 11 Bankruptcy Case; Memorandum  
24 of Points and Authorities; Declaration of Eric Vago; and Request for Judicial Notice in  
25 Support of Same [docket no.: 79], and Declaration of Brian Procel in Support of Motion  
26 for Order Dismissing Debtor's Chapter 11 Bankruptcy Case [docket no.: 80] (the “Vagos’  
27 Motion to Dismiss”). On May 2, 2023, the U.S. Trustee filed a Limited Opposition to the  
28

1 Vagos' Motion to Dismiss [docket no.: 98]. On May 3, 2023, Debtor filed his Opposition  
2 to the Vagos' Motion to Dismiss, concurrently with this Status Report. The hearing on  
3 the Motion to Disallow Homestead is scheduled for May 17, 2023 at 9:00 a.m., to be  
4 heard concurrently with this Status Conference.

5 On April 25, 2023, Creditor Frankin Menlo filed a Second Motion for Relief from  
6 Stay – Non-Bankruptcy Forum [docket no.: 84]. On May 3, 2023, Debtor filed his  
7 Opposition to the Menlo Motion for Relief, concurrently with this Status Report. The  
8 hearing on the Menlo Motion for Relief is scheduled for May 17, 2023 at 8:30 a.m.

9 On April 26, 2023, Creditor Ajax Mortgage Loan Trust 2021-D, Mortgage-Backed  
10 Securities, Series 2021-D, by U.S. Bank National Association, as Indenture Trustee filed  
11 a Notice of Motion and Motion for Relief from the Automatic Stay with Supporting  
12 Declarations as to Debtor's Real Property located at 161 North Poinsettia Place, Los  
13 Angeles, CA 90036 [docket no.: 86]. On May 3, 2023, Debtor filed his Opposition to the  
14 Ajax Motion for Relief, concurrently with this Status Report. The hearing on the Ajax  
15 Motion for Relief is scheduled for May 17, 2023 at 8:30 a.m.

16 On April 26, 2023, Movant Life Capital Group, LLC filed a Motion for Relief  
17 from Stay – Non-Bankruptcy Forum regarding Debtor's 50% ownership interest in Life  
18 Capital Group, LLC [docket no.: 88]. On May 3, 2023, Debtor filed his Opposition to the  
19 Life Capital Group Motion for Relief, concurrently with this Status Report. The hearing  
20 on the Life Capital Group LLC Motion for Relief is scheduled for May 17, 2023 at 8:30  
21 a.m.

22 On April 26, 2023, Movant Life Capital Group, LLC filed a Motion for an Order  
23 Authorizing and Directing Life Capital Group, LLC to Pay Funds to Chapter 11  
24 Bankruptcy Estate; Memorandum of Points and Authorities; Declaration of Jonathan  
25 Polter in Support Thereof [docket no.: 90] ("Motion Directing Payment to Debtor"). On  
26 May 3, 2023, Debtor filed his Response to Life Capital Group LLC's Motion Directing  
27 Payment to Debtor, concurrently with this Status Report. The hearing on Life Capital  
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1 Group, LLC's Motion Directing Payment to Debtor is scheduled for May 17, 2023 at  
2 9:00 a.m., to be heard concurrently with this Status Conference.

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4 LAW OFFICES OF MICHAEL JAY BERGER

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7 Dated: May 3, 2023

By: /s/ Michael Jay Berger  
Michael Jay Berger  
*Proposed* Counsel for Leslie Klein

**DECLARATION OF MICHAEL JAY BERGER**

I, Michael Jay Berger, declare and state as follows:

1. I am an Attorney at Law, licensed to practice before all of the courts in the State of California, and in the United States District Court for the Central District of California. I have personal knowledge of the facts set forth below and if called to testify as to those facts, I could and would competently do so.

2. On April 5, 2023, Creditor Frankin Menlo filed a Motion for Relief from Stay – Non-Bankruptcy Forum [docket no.: 65]. On April 19, 2023, Debtor filed his Opposition to Menlo’s Motion for Relief from Stay [docket no.: 76]. On April 25, 2023, Franklin Menlo filed a Voluntary Dismissal of Motion for Relief from Stay – Non-Bankruptcy Forum [docket no.: 83].

3. On April 5, 2023, Debtor filed a Supplemental Declarations of Michael Jay Berger and Leslie Klein in Support of Debtor's Application to Employ Michael Jay Berger as General Bankruptcy Counsel [docket no.: 66, relating to Debtor's Application to Employ Michael Jay Berger as General Bankruptcy Counsel docket no.: 24].

4. On April 11, 2023, Creditors Joseph and Erica Vago filed their Notice of Motion and Motion to Disallow Debtor's Claim of Homestead Exemption Pursuant to 11 U.S.C. § 522(q); Declaration of Erica Vago and Request for Judicial Notice in Support of Same [docket no.: 71] (“Motion to Disallow Homestead”). On May 3, 2023, Debtor filed his Opposition to the Motion to Disallow Homestead, concurrently with this Status Report. The hearing on the Motion to Disallow Homestead is scheduled for May 17, 2023 at 9:00 a.m., to be heard concurrently with this Status Conference.

5. On April 18, 2023, Debtor filed his Notice of Continued Status Conference and Continued Hearing on Debtors Application to Employ General Bankruptcy Counsel [docket no.: 75].

6. On April 24, 2023, Creditors Joseph and Erica Vago filed their Notice of Motion and Motion for Order Dismissing Debtor's Chapter 11 Bankruptcy Case;

1 Memorandum of Points and Authorities; Declaration of Eric Vago; and Request for  
2 Judicial Notice in Support of Same [docket no.: 79], and Declaration of Brian Procel in  
3 Support of Motion for Order Dismissing Debtor's Chapter 11 Bankruptcy Case [docket  
4 no.: 80] (the "Vagos' Motion to Dismiss"). On May 2, 2023, the U.S. Trustee filed a  
5 Limited Opposition to the Vagos' Motion to Dismiss [docket no.: 98]. On May 3, 2023,  
6 Debtor filed his Opposition to the Vagos' Motion to Dismiss, concurrently with this  
7 Status Report. The hearing on the Motion to Disallow Homestead is scheduled for May  
8 17, 2023 at 9:00 a.m., to be heard concurrently with this Status Conference.

9 7. On April 25, 2023, Creditor Franklin Menlo filed a Second Motion for  
10 Relief from Stay – Non-Bankruptcy Forum [docket no.: 84]. On May 3, 2023, Debtor  
11 filed his Opposition to the Menlo Motion for Relief, concurrently with this Status Report.  
12 The hearing on the Menlo Motion for Relief is scheduled for May 17, 2023 at 8:30 a.m.

13 8. On April 26, 2023, Creditor Ajax Mortgage Loan Trust 2021-D, Mortgage-  
14 Backed Securities, Series 2021-D, by U.S. Bank National Association, as Indenture  
15 Trustee filed a Notice of Motion and Motion for Relief from the Automatic Stay with  
16 Supporting Declarations as to Debtor's Real Property located at 161 North Poinsettia  
17 Place, Los Angeles, CA 90036 [docket no.: 86]. On May 3, 2023, Debtor filed his  
18 Opposition to the Ajax Motion for Relief, concurrently with this Status Report. The  
19 hearing on the Ajax Motion for Relief is scheduled for May 17, 2023 at 8:30 a.m.

20 9. On April 26, 2023, Movant Life Capital Group, LLC filed a Motion for  
21 Relief from Stay – Non-Bankruptcy Forum regarding Debtor's 50% ownership interest in  
22 Life Capital Group, LLC [docket no.: 88]. On May 3, 2023, Debtor filed his Opposition  
23 to the Life Capital Group Motion for Relief, concurrently with this Status Report. The  
24 hearing on the Life Capital Group LLC Motion for Relief is scheduled for May 17, 2023  
25 at 8:30 a.m.

26 10. On April 26, 2023, Movant Life Capital Group, LLC filed a Motion for an  
27 Order Authorizing and Directing Life Capital Group, LLC to Pay Funds to Chapter 11  
28 Bankruptcy Estate; Memorandum of Points and Authorities; Declaration of Jonathan  
Polter in Support Thereof [docket no.: 90] ("Motion Directing Payment to Debtor"). On

1 May 3, 2023, Debtor filed his Response to Life Capital Group LLC's Motion Directing  
2 Payment to Debtor, concurrently with this Status Report. The hearing on Life Capital  
3 Group, LLC's Motion Directing Payment to Debtor is scheduled for May 17, 2023 at  
4 9:00 a.m., to be heard concurrently with this Status Conference.

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6 I declare under penalty of perjury that the foregoing is true and correct and that this  
7 declaration is executed on May 3, 2023, at Los Angeles, California.  
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10 /s/ Michael Jay Berger  
11 Michael Jay Berger  
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
9454 Wilshire Blvd., 6<sup>th</sup> FL., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **DEBTOR'S STATUS CONFERENCE REPORT NO.: 2; DECLARATION OF MICHAEL JAY BERGER IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 5/3/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) 5/3/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 5/3/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra Klein  
United States Bankruptcy Court  
Central District of California  
Edward R. Roybal Federal Building and Courthouse  
255 E. Temple Street, Suite 1582 / Courtroom 1575  
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/3/2023  
Date

Peter Garza  
Printed Name

/s/Peter Garza  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

**Goe Forsythe & Hodges: Reem J Bello** rbello@goeforlaw.com, kmurphy@goeforlaw.com  
**Goe Forsythe & Hodges Robert P Goe** kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com  
**Interested Party: Alan G Tippie** Alan.Tippie@gmlaw.com,  
atippie@ecf.courtdrive.com;Karen.Files@gmlaw.com.patricia.dillamar@gmlaw.com, denise.walker@gmlaw.com  
**Debtor's Counsel: Michael Jay Berger** michael.berger@bankruptcypower.com,  
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com  
**Interested Party: Greg P Campbell** chl1ecf@aldridgepite.com,  
gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com  
**Counsel for Wilmington Savings Fund: Theron S Covey** tcovey@raslg.com, sferry@raslg.com  
**Interested Party: Dane W Exnowski** dane.exnowski@mccalla.com,  
bk.ca@mccalla.com,mccallaecf@ecf.courtdrive.com  
**U.S. Trustee: Michael Jones** michael.jones4@usdoj.gov  
**U.S. Trustee: Ron Maroko** ron.maroko@usdoj.gov  
**Counsel for Ajax Mortgage: Joshua L Scheer** jscheer@scheerlawgroup.com, jscheer@ecf.courtdrive.com  
**Subchapter V Trustee: Mark M Sharf (TR)** mark@sharflaw.com, C188@ecfcbis.com;sharfl000@gmail.com  
**United States Trustee (LA)** ustregion16.la.ecf@usdoj.gov  
**Interested Party: Michael L Wachtell** mwachtell@buchalter.com  
**U.S. Bank: John P. Ward** jward@attleseystorm.com, ezhang@attleseystorm.com  
**Interested Party: Paul P Young** paul@cym.law, jaclyn@cym.law  
**Counsel for First Amendment Wendrigger Family Trust dated May 7, 1990: Clarisse Young**  
youngshumaker@smcounsel.com, levern@smcounsel.com  
**Interested Party: Roye Zur** rzur@elkinskalt.com,  
cavila@elkinskalt.com;lwageman@elkinskalt.com;1648609420@filings.docketbird.com

**2. SERVED BY UNITED STATES MAIL:**

U.S. Trustee  
Attn: Ron Maroko, Esq.  
915 Wilshire Blvd., Ste. 1850  
Los Angeles, CA 90017

Subchapter V Trustee  
Mark M. Sharf  
6080 Center Drive #600  
Los Angeles, CA 90045

**SECURED CREDITORS:**

CCO Mortgage Corp.  
Attn: Bankruptcy  
10561 Telegraph Rd  
Glen Allen, VA 23059

Chase Mortgage  
BK Department  
Mail Code LA4 5555  
700 Kansas Ln  
Monroe, LA 71203

Fay Servicing Llc  
Attn: Bankruptcy Dept  
Po Box 809441  
Chicago, IL 60680

Mrc/united Wholesale M  
Attn: Bankruptcy  
P. O. Box 619098  
Dallas, TX 75261

Selene Finance  
Attn: Bankruptcy  
Po Box 8619  
Philadelphia, PA 19101

Shellpoint Mortgage Servicing  
Attn: Bankruptcy  
Po Box 10826  
Greenville, SC 29603

Toyota Financial Services  
Attn: Bankruptcy  
Po Box 259001  
Plano, TX 75025

Toyota Motor Credit Corp.  
PO Box 9013  
Addison, TX 75001 (Address from POC)

Ericka and Joseph Vago  
c/o Brian Procel  
Procel Law  
401 Wilshire Blvd., 12th Floor  
Santa Monica, CA 90401 (Address from POC)

Ericka and Joseph Vago  
124 N. Highland Ave  
Sherman Oaks, CA 91423

Fay Servicing LLC  
Attn: Bankruptcy Dept  
Po Box 809441  
Chicago, IL 60680

U.S. Bank  
c/o Fay Servicing, LLC  
PO Box 814609  
Dallas, TX 75381

Fiore Racobs & Powers  
c/o Palm Springs Country Club HOA  
6820 Indiana Ave., Ste 140  
Riverside, CA 92506

Gestetner Charitable Remainder Trust  
c/o Andor Gestetner  
1425 55th Street  
Brooklyn, NY 11219

Los Angeles County Tax Collector  
Bankruptcy Unit  
PO Box 54110  
Los Angeles, CA 90054-0027 (Address from POC)

Mrc/united Wholesale M  
Attn: Bankruptcy  
P. O. Box 619098  
Dallas, TX 75261

Selene Finance  
Attn: Bankruptcy  
Po Box 8619  
Philadelphia, PA 19101

Shellpoint Mortgage Servicing  
Attn: Bankruptcy  
Po Box 10826  
Greenville, SC 29603

Toyota Financial Services  
Attn: Bankruptcy  
Po Box 259001  
Plano, TX 75025

Wilmington Savings Fund Society  
c/o Selene Finance LP  
3501 Olympus Blvd., Ste. 500  
Dallas, TX 75019 (Address from POC)

U.S. Bank Trust National Bank  
c/o Fay Servicing LLC  
PO Box 814609  
Dallas, TX 75381 (Address from POC)

U.S. Bank N.A.  
c/o Nationstar Mortgage LLC  
Attn: Bankruptcy Dept.  
PO Box 619096  
Dallas, TX 75261 (Address from POC)

JP Morgan Mortgage Acquisition  
c/o NewRez LLC dba Shellpoint Mortgage Servicing  
PO Box 10826  
Greenville, SC 29603 (Address from POC)

Ajax Mortgage Loan Trust  
c/o Gregory Funding LLC  
PO Box 230579  
Tigard, OR 97281 (Address from POC)

**20 LARGEST UNSECURED CREDITORS AND INTERESTED PARTIES:**

Andor Gestetner  
c/o Law Offices of Jacob Unger  
5404 Whitsett Ave Ste. 182  
Valley Village, CA 91607

Bank of America  
Attn: Bankruptcy  
4909 Savarese Circle  
Tampa, FL 33634

Bank of America  
PO Box 673033  
Dallas, TX 75267 (Address from POC)

Barclays Bank Delaware  
Attn: Bankruptcy  
Po Box 8801  
Wilmington, DE 19899

California Bank & Trust  
Po Box 711510  
Santee, CA 92072

CCO Mortgage Corp.  
Attn: Bankruptcy  
10561 Telegraph Rd  
Glen Allen, VA 23059

Chase Card Services  
Attn: Bankruptcy  
P.O. 15298  
Wilmington, DE 19850

Chase Card Services  
Attn: Bankruptcy  
Po Box 15298  
Wilmington, DE 19850

Chase Doe

143 S. Highland Drive  
Los Angeles, CA 90036

Chase Mortgage  
BK Department  
Mail Code LA4 5555  
700 Kansas Ln  
Monroe, LA 71203

Citibank  
Attn: Bankruptcy  
P.O. Box 790034  
St Louis, MO 63179

Franklin H. Menlo Irrevocable Trust  
c/o Willkie Farr & Gallagher LLP  
Attn: Alex M. Weingarten, Esq.  
2029 Century Park East, Suite 3400  
Los Angeles, CA 90067

Robert & Esther Mermelstein  
c/o Baruch C. Cohen, Esq.  
4929 Wilshire Blvd., Ste 940  
Los Angeles, CA 90010 (Address from POC)

Franklin Menlo, Trustee  
c/o Paul P. Young & Chora Young & Manasserian  
650 Sierra Madre Villa Ave. Ste. 304  
Pasadena, CA 91107 (Address from POC)

Jacob Rummitz  
315 N. Martel Avenue  
Los Angeles, CA 90036

Jeffrey Siegel, Successor Trustee  
of the Hubert Scott Trust  
c/o Oldman, Cooley, Sallus  
16133 Ventura Blvd., Penthouse Suit  
Encino, CA 91436-2408

Leslie Klein & Associates, Inc.  
c/o Parker Milliken  
555 Flower Street  
Los Angeles, CA 90071

Oldman, Cooley, and Sallus  
16133 Ventura Blvd., Penthouse Suite  
Encino, CA 91436-2408

Sandra Layton  
161 N. Poinsettia Place  
Los Angeles, CA 90036

First Amendment Wendrigger Faimly Trust Dated May  
7, 1990  
c/o Clarisse Young Shumaker, Esq.  
280 S. Beverly Dr. Ste. 505  
Beverly Hills, CA 90212

Jeffry Siegel, Successor Trsuttee  
c/o Oldman, Cooley, Sallus  
161133 Ventura Blvd., Penthouse Suite  
Encino, CA 91436 (Address from POC)

Gestener Family Trust  
Andor Gestetner  
c/o Michael I. Gottfried  
10345 W. Olympic Blvd.,  
Los Angeles, CA 90064 (Address from POC)